



**CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY
PLANNING DIVISION**

SUBMITTER: Lew Holloway, Community Development Director **MEETING DATE:** January 6th, 2022

AGENDA SECTION: Public Hearings **DEPARTMENT:** Community Development

TITLE OF ITEM: Zoning Text Amendment – Industrial Conditional Zoning District (P21-76-ZTA) – *Lew Holloway – Community Development Director*

SUGGESTED MOTION(S):

For Approval:

I move City Council APPROVE *An Ordinance Of The City Of Hendersonville City Council To Amend Article 4 -Establishment Of Districts: Section 4-5 (e)(2); Article 5 - Zoning District Classifications: Section 5-12, Section 5-12-1. Section 5-12- 4; of the City of Hendersonville Zoning Ordinance To Allow Certain Uses Which Exceed 50,000 Square Feet To Proceed Without Requiring Rezoning To I-1CZD*, as presented. Finding that the zoning text amendment is consistent with the Comprehensive Plan Chapter 8, Strategy LU-13.5, Action LU-13.5.3 and that the zoning text amendment is reasonable and in the public interest for the following reasons:
[Please state reasons describing why this text amendment is good for the community. Example suggestions below or include your own]

- 1) It encourages reinvestment in industrial real estate within the City of Hendersonville, supporting a sustainable tax base.
- 2) It positions the City to support the Henderson County Partnership for Economic Development in overcoming development obstacles associated with industrial/manufacturing recruitment.

For Denial:

I move City Council DENY *An Ordinance Of The City Of Hendersonville City Council To Amend Article 4 -Establishment Of Districts: Section 4-5 (e)(2); Article 5 - Zoning District Classifications: Section 5-12, Section 5-12-1. Section 5-12- 4; of the City of Hendersonville Zoning Ordinance To Allow Certain Uses Which Exceed 50,000 Square Feet To Proceed Without Requiring Rezoning To I-1CZD* as presented. Finding that the zoning text amendment is inconsistent with the Comprehensive Plan and that the zoning text amendment is not reasonable nor in the public interest for the following reasons:
[Please state reasons describing why this development is not good for the community. Example suggestions below or include your own]

- 1)

<p>3) It reflects adaptation by the City to changing market trends in industrial recruitment.</p> <p>4) It aligns development review steps across local government entities to promote predictable and comparable development processes, optimally positioning the city for success in recruitment of industry to existing Industrial sites.</p> <p>[DISCUSS & VOTE]</p>	
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SUMMARY: The City has initiated a Zoning Text Amendment to Article V Zoning District Classification, Section 5-12-4 I-1CZD Industrial Conditional Zoning District Classification to allow certain uses which exceed 50,000 square feet to proceed without requiring rezoning to I-1CZD. This proposed amendment is reflective of identified obstacles that the CZD process has previously presented in the recruitment of manufacturers to the City. The uses which are proposed to be exempt from the CZD process are reflective of those which may be part of a requirement process, in which efficiency of approval processes becomes a competitive advantage.

ARTICLE IV Establishment of Districts

Section 4-5 Classification of Uses.

4-5 e) Uses Permitted Only Pursuant to a Rezoning to a Conditional Zoning District.

- 1) Any building or structure that exceeds the maximum square footage as stated in a conventional zoning district shall require a rezoning to a conditional zoning district which allows the proposed square footage for the building or structure in order to be permitted.
- 2) Any building or structure that is more than 50,000 square feet of gross floor area shall be required a rezoning to a conditional zoning district which allows the proposed gross square footage for the building. The 50,000 square foot gross floor area threshold for requiring a rezoning to a conditional zoning district is subject to any exemptions established in Article V Zoning District Classifications.

ARTICLE V Zoning District Classifications

Section 5-12 I-1 Industrial Zoning District Classification. This zoning district classification is established for those areas of the City where the principal use of the land is for industrial activities that by their nature may create some nuisance and which are not properly associated with residential, commercial and/or service establishments. This district is also established to preserve areas exhibiting industrial potential. Selected business uses of a convenience character are also permitted in this district. Some of the permitted uses in this district are exempt from the size limitations contained in Section 4-5(e)(2) of the Zoning Ordinance, as is indicated specifically below.

5-12-1 Permitted Uses:

5-12-1 (a) Permitted Uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification and are not exempted from the size limitations contained in Section 4-5 (e)(2) of this Ordinance, provided that they meet all requirements of this Section and all other requirements established in this Ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget.

Accessory dwelling units subject to Supplementary Standards contained in Section 16-4, below

Accessory uses & structures

Agricultural supplies, bulk

Animal hospitals & clinics subject to Supplementary Standards contained in Section 16-4, below.

Automobile car washes

Automobile sales & service

Automobile paint & body work

~~Bottling plants~~

~~Breweries~~

Bus stations

Business services

Cemeteries, mausoleums, columbariums, memorial gardens, and crematoriums

~~Cideries~~

~~Cideries, hard~~

Civic centers

Concrete plants

Congregate care facilities, subject to Supplementary Standards contained in Section 16-4, below

Construction trades facilities

Convenience stores with or without gasoline sales

Day care facilities

~~Distilleries~~

Dry cleaning & laundry

Exhibition buildings

Exterminators

Fairgrounds

Farm equipment sales & service

Feed and grain storage

Freight terminals (SIC Groups 40, 41, 42)

~~Food processing establishments, limited to dairy products, bakery products, canneries, and beverage products (SIC codes 202, 203, 205 and 208), not to include slaughtering plants~~

Funeral homes

Golf courses and related activities Government facilities

~~Greenhouses & commercial nurseries~~

Health clubs and athletic facilities

Heavy equipment, sales, rentals, leases, and service

Heavy equipment storage

Hospitals

Hotels

Laboratories with or without outdoor storage or operations

~~Manufacturing (selected industries)—Those manufacturing industries defined by the following SIC Codes are permitted:~~

Standard Industrial Classification	Industries Excluded	Short Title
202		Food processing: dairy products
203		Food processing: canned, frozen & preserved fruits, vegetable & food specialties
2043		Food processing: cereal breakfast foods
2045		Food processing: prepared flour mixes & doughs
205		Food processing: bakery products
206		Food processing: sugar & confectionery products
207	2077	Food processing: fats & oils
208		Food processing: beverages
2095		Roasted coffee
2096		Potato chips, corn ships & similar snacks
2097		Manufactured ice
2098		Macaroni, spaghetti, vermicelli & noodles
2099		Food preparations, not elsewhere classified
22	226	Textile Mill Products
23		Apparel and other textile products
24	241, 242, 2435, 2436, 2491, 2492	Lumber and wood products
25		Furniture and fixtures
265		Paperboard containers & boxes
267		Converted paper and paperboard products, except containers and boxes
27		Printing, publishing & allied industries
283		Drugs
2844		Perfumes, cosmetics & other toilet preparations
30	301	Rubber & plastic products
323		Glass products, made of purchased glass
326		Pottery & related products
3271		Concrete block & brick
3272		Concrete products, except block & brick
3273		Ready-mixed concrete
3297		Non-clay refractories
34	3443, 3449, 345, 346, 347, 348	Fabricated metal products
35		Industrial equipment
36		Electronic & electric equipment
3714		Motor vehicle parts & accessories

Standard Industrial Classification	Industries Excluded	Short Title
3715		Truck trailers
3732		Boat building & repairing
38		Instruments & related products
39		Miscellaneous manufacturing

Merchandise gaming operations

~~Microbreweries~~

Mini-warehouses

Mobile food vendors, subject to Supplementary Standards contained in Section 16-4, below

Motels

Motor freight terminals

Nursing homes, subject to Supplementary Standards contained in Section 16-4, below

Parking lots and parking garages

Parks

Passenger transportation terminals

Personal Services

Planned residential developments (minor), subject to the requirements of Article VII, below

Progressive care facilities, subject to Supplementary Standards contained in Section 16-4, below

Public and semi-public structures

Publishing and printing establishments

Radio and television broadcasting studios

Recreational facilities, commercial, indoor

Recreational facilities, commercial, outdoor

Recycling centers

Religious institutions

Repair services, miscellaneous

Research and development with or without outdoor storage and operations

Residential dwellings

Rest homes, subject to Supplementary Standards contained in Section 16-4, below

Restaurants

Restaurants, drive-in

Retail stores

Service stations

Signs, subject to the provisions of Article XIII

Storage yards

Telecommunications antennas, subject to Supplementary Standards contained in Section 16-4, below.

Telecommunications towers, subject to Supplementary Standards contained in Section 16-4, below.

Travel trailer sales
 Treatment plants, water and sewer
 Vehicle repair shops with or without outdoor operations and storage
 Vehicle storage areas, not to include junk yards and wrecking yards as defined by NCGS 136-143
 Warehouses
~~Wineries~~
 Wholesaling establishments

5-12-1 (b) Permitted Uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification and are exempt from the size limitations contained in Section 4-5 (e)(2) of this Ordinance, provided that they meet all requirements of this Section and all other requirements established in this Ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget:

Accessory uses & structures, when accessory to another permitted use that is also exempt from Section 4-5(e)(2) of the Zoning Ordinance

Bottling Plants

Breweries

Cideries

Cideries, hard

Distilleries

Food processing establishments, limited to dairy products, bakery products, canneries, and beverage products (SIC codes 202, 203, 205 and 208), not to include slaughtering plants

Greenhouses and commercial nurseries

Microbreweries

Wineries

Manufacturing (selected industries) – Those manufacturing industries defined by the following SIC Codes are permitted:

<u>Standard Industrial Classification</u>	<u>Industries Excluded</u>	<u>Short Title</u>
<u>202</u>		<u>Food processing: dairy products</u>
<u>203</u>		<u>Food processing: canned, frozen & preserved fruits, vegetable & food specialties</u>
<u>2043</u>		<u>Food processing: cereal breakfast foods</u>
<u>2045</u>		<u>Food processing: prepared flour mixes & doughs</u>
<u>205</u>		<u>Food processing: bakery products</u>
<u>206</u>		<u>Food processing: sugar & confectionery products</u>
<u>207</u>	<u>2077</u>	<u>Food processing: fats & oils</u>
<u>208</u>		<u>Food processing: beverages</u>
<u>2095</u>		<u>Roasted coffee</u>

<u>Standard Industrial Classification</u>	<u>Industries Excluded</u>	<u>Short Title</u>
<u>2096</u>		<u>Potato chips, corn ships & similar snacks</u>
<u>2097</u>		<u>Manufactured ice</u>
<u>2098</u>		<u>Macaroni, spaghetti, vermicelli & noodles</u>
<u>2099</u>		<u>Food preparations, not elsewhere classified</u>
<u>22</u>	<u>226</u>	<u>Textile Mill Products</u>
<u>23</u>		<u>Apparel and other textile products</u>
<u>24</u>	<u>241, 242, 2435, 2436, 2491, 2492</u>	<u>Lumber and wood products</u>
<u>25</u>		<u>Furniture and fixtures</u>
<u>265</u>		<u>Paperboard containers & boxes</u>
<u>267</u>		<u>Converted paper and paperboard products, except containers and boxes</u>
<u>27</u>		<u>Printing, publishing & allied industries</u>
<u>283</u>		<u>Drugs</u>
<u>2844</u>		<u>Perfumes, cosmetics & other toilet preparations</u>
<u>30</u>	<u>301</u>	<u>Rubber & plastic products</u>
<u>323</u>		<u>Glass products, made of purchased glass</u>
<u>326</u>		<u>Pottery & related products</u>
<u>3271</u>		<u>Concrete block & brick</u>
<u>3272</u>		<u>Concrete products, except block & brick</u>
<u>3273</u>		<u>Ready-mixed concrete</u>
<u>3297</u>		<u>Non-clay refractories</u>
<u>34</u>	<u>3443, 3449, 345, 346, 347, 348</u>	<u>Fabricated metal products</u>
<u>35</u>		<u>Industrial equipment</u>
<u>36</u>		<u>Electronic & electric equipment</u>
<u>3714</u>		<u>Motor vehicle parts & accessories</u>
<u>3715</u>		<u>Truck trailers</u>
<u>3732</u>		<u>Boat building & repairing</u>
<u>38</u>		<u>Instruments & related products</u>
<u>39</u>		<u>Miscellaneous manufacturing</u>

Section 5-12-4 I-1CZD Industrial Conditional Zoning District Classification. The purpose and requirements of this zoning district classification are identical to the I-1 Industrial Zoning District Classification except that rezoning to I-1 Conditional Zoning District as provided for in Article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the I-1 Industrial Conditional Zoning District Classification only upon rezoning to I-1CZD.

Day centers

Shelter facilities Permitted uses for the I-1 Industrial Zoning District Classification as specified in Section 5-12-1, above

Special Uses for the I-1 Industrial Zoning District Classification as specified in Section 5-12-2, above

Development or redevelopment involving more than 50,000 square feet of floor area unless exempted in Section 5-12-1 (b), above

PROJECT/PETITIONER NUMBER:	P21-76-ZTA
PETITIONER NAME:	City Initiated Zoning Text Amendment
ATTACHMENTS:	<ol style="list-style-type: none">1. Staff Report2. Planning Board Legislative Committee Minutes, November 20213. Draft Ordinance4. Proposed modifications to the zoning ordinance with section references5. Planning Board Minutes